A Message from Lisa Goodner, State Courts Administrator

Spring is upon us, which means that, for the judicial branch, legislative activities are heightening; court-appointed committees that have recently been established or reauthorized are busily organizing meetings and setting priorities; and judicial education programs are in full swing. In concert with this season of growth, renewal, change, and hope, the spring edition of the Full Court Press reflects the abundance of judicial events and endeavors that flourish this time of the year.

The lead article is a legislative update on the budget process, focusing in particular on the judicial branch's employee pay plan, which is the funding priority of Chief Justice Lewis and the entire judicial branch. Describing the branch's budget cycle activities, the article also characterizes the responsibilities of the Trial Court and DCA Budget Commissions in this cycle and highlights the critical roles of Chief Judges Belvin Perry and Carolyn Fulmer, the two commission chairs, in promoting the branch's fiscal priorities. The article emphasizes the importance of providing the legislature with factual information documenting the judicial branch's budget needs so that lawmakers can make knowledgeable decisions about our funding requests.

This edition also includes an excellent discussion of the committee structure of our state court system and explains the functions of our councils, commissions, division steering committees, workgroups and task forces, and “other committees.” Over time, the supreme court has developed a committee structure that makes the best use of the diversity and the expertise of our judges and court personnel and that promotes fruitful collaborations with our justice system partners. Here you will find in-depth stories on the Judicial Management Council and a number of other court-appointed bodies, and I believe you will find these articles very informative and useful.

This Full Court Press also focuses on some of the judicial education programs that have taken place this year. You'll read about January's Florida Judicial College, Phase I, attended by 110 new judges, the largest Phase I class ever, and about the annual education program of the county court judges, at which, for the first time, the trial court administrators conducted their annual program.

As always, we welcome your feedback, so please send us your comments and suggestions.

Sincerely,

Lisa Goodner
Legislative Update

The Judicial Branch Pay Plan: The Top Priority in This Year’s Legislative Budget Request

Although the annual legislative session doesn’t convene until early March, almost immediately after any given session’s adjournment—the white handkerchiefs dropped by the House and Senate sergeants at arms have barely finished fluttering to the ground—OSCA and the trial and appellate courts are already doing their homework for the following year’s budget request. According to Chief Judge Carolyn K. Fulmer, Second DCA and chair of the DCA Budget Commission, as early as May or June, OSCA sends instructions about budget preparation to each of the DCAs and circuit courts, and each is asked to begin assessing its budgetary needs. By August, the Trial Court Budget Commission (representing the trial courts) and the DCA Budget Commission (representing the DCAs) determine what should be included in their respective budget requests. That information is submitted to the supreme court, and, in September, the chief justice and the chairs of two budget commissions meet to scrutinize together all the budget requests—the DCAs’, the trial courts’, and OSCA’s. Meanwhile, the Supreme Court Budget Oversight Committee conducts a similar process for the supreme court. Then by mid-October, the judicial branch’s legislative budget request is formally delineated.

But that marks just the beginning of the process. For, soon after the budget request is blocked out, members of the budget commissions, OSCA personnel, and the chief justice launch into a whirlwind of meetings with legislators and their staff to lay the foundation for successful passage of the budget request. These multiple meetings have a very particular purpose. In their role as decision-makers about funding appropriations, legislators are expected to be familiar with an unimaginably large amount of information about the extraordinary range of issues that come before them. “Our job”—and the reason for all the meetings, according to State Courts Administrator Lisa Goodner—“is to provide legislators with good, sound, factual information about our budget needs—information that they can use in making their decision about our budget request.”

According to Chief Judge Belvin Perry, Jr., Ninth Judicial Circuit and chair of the Trial Court Budget Commission, those meetings begin at the end of the calendar year. Last December, for instance, he and some of the members of his “leadership team” met with Senate President Ken Pruitt at his home office in Port St. Lucie; soon after, they ventured to Ft. Lauderdale and Miami to meet with key leadership and their staff. Then, he and some of his team members spent a significant chunk of December, January, and February in Tallahassee, where, with Lisa Goodner and Director of Community and Intergovernmental Relations Brenda Johnson, they met one-on-one with a multitude of legislators and staff. The point, he declared, is to “meet with key people early, before they get too busy, so that they can assimilate what we’re saying before session begins.”

Clearly, the Trial Court Budget Commission and the DCA Budget Commission remain energetically occupied with the budgetary process year round—not just for the few months before the legislative session. But then the fact that they maintain such a high level of intensity shouldn’t be a surprise because that is precisely why the two budget commissions were constituted: each is charged with overseeing its portion of the preparation and implementation of the judicial branch budget in a way that ensures equity in state funding among the circuits/districts—which is an ineffably time-consuming process. Both commissions were established by Rule of Judicial Administration: the Trial Court Budget Commission, in December 2000, and the DCA Budget Commission, in December 2001.

Representing the entire judicial branch in the budgetary process, the two budget commissions speak with a single, united voice when addressing legislative issues. What that means is that whenever any members of the budget commissions—or, for that matter, when Chief Justice Lewis, Lisa Goodner, or Brenda Johnson—go “across the street”
to meet with legislative leaders and their staff, they all converse from the same playbook, so to speak—the modus operandi that the branch has practiced since it began preparing for the implementation of Revision 7.

And what are the predominant issues on the minds of these judicial leaders for the 2007 legislative session? One finds many of the usual items: funding for court security, property management, maintenance, operational upkeep, capital improvements, additional personnel, and due process issues for the trial courts. Another customary item is need for additional judges (the supreme court certified the need for two DCA, 22 circuit, and 13 county court judges this year).

But, according to Chief Judges Perry and Fulmer, without exception, the very first item on every judicial branch representative’s lips is the same: funding for the employee pay plan. This is Chief Justice Lewis’ funding priority; it is the branch’s priority; it is the priority of the two budget commissions; and it has also been enthusiastically endorsed by the Conference of County Court Judges of Florida, the Florida Conference of Circuit Judges, and the Florida Conference of DCA Judges. Therefore, for 2007-2008, the branch is requesting $12.95 million to fund a new compensation and classification system for court employees so that the state court system will be more competitive with counties, municipalities, and state government entities.

Florida’s judges have been putting a colossal amount of effort into advocating for the employee pay plan (which, by the way, has no impact at all on judicial salaries). Even many judges not on the budget commissions are contacting their local legislative delegations at home to talk about this issue. Chief Judge Fulmer affirmed that employee pay equity is the first issue the DCA Budget Commission raises with lawmakers. Trial Court Budget Commission’s Chief Judge Perry concurs: “When we lead off any discussion, we tell legislators and their staff that the number one issue is the employee pay package. Every place we go, the pay plan is the first issue we talk about. And when we close out our meetings, we go back to this being the number one issue.” And this is true for Chief Justice Lewis as well; the chief, Judge Perry added, is demonstrating “outstanding leadership” regarding this issue: “He’s spoken to all the decision-making committees, and the first thing he says is that the request is not about bricks and mortar but about the real building blocks of this branch—which is the people.”

The chairs of the two budget commissions also agree that they couldn’t do what they’re doing without the help of OSCA, especially Lisa Goodner and Brenda Johnson. These OSCA stalwarts work with all the judges, priming them to meet with legislative leaders and accompanying them to all their meetings across the street; and they put together talking points and informational packets and meeting schedules, letting the judges know with whom they need to be making contact. Also, Ms Johnson’s Community and Intergovernmental Relations Unit educates judges about the judicial branch’s most pressing issues and about changes in legislative leadership and procedure; creates and helps execute a comprehensive strategy for the branch; fosters better communications and awareness—and a unified voice—within the branch; and offers continuity and consistency to judges and legislators alike so that they all know where to go to get the information they need. In Chief Judge Fulmer’s words, “It would be impossible to do this job in an effective manner without them. To the extent I have any impact at all,” she said, “I attribute it all to OSCA.”

So, what kind of impact is the judicial branch having? When asked how they think their pay plan requests have been received by the legislators so far, Judge Perry quickly pointed out that “Everyone has been very attentive and seems to understand the issue.” And Judge Fulmer declared that “Every person I’ve met with has been very cordial, and I felt they were really listening to me.” If the sheer will and effort of Florida’s judges were enough to persuade the legislators of the importance of funding this issue, then surely the employee pay plan would become a reality this year.

However, as Lisa Goodner cautioned, it’s important to remember that the appropriations bill is always one of the last bills passed by the legislature—so, before May, there is no way of knowing whether the legislature will fund the pay plan initiative. A complicating factor this year is
that the state is estimated to have approximately $652.9 million less in new revenue, which means that all new funding issues face an uphill battle. Since the legislature has a limited supply of fiscal resources, and since it will have less revenue with which to work than it had originally projected, every entity seeking funding will be affected.

Committee Committees

Committee Structure of Florida’s State Court System

Soon after the new year, anyone curious enough to browse through the OSCA Master Calendar (available on the Florida State Courts Intranet site) couldn’t fail to be awed by the number of supreme court committee meetings scheduled to take place in the first month or so of 2007. In Tallahassee alone, for instance, between January 16 and February 9, over ten very important committees and subcommittees convened. And that’s not even counting several consequential committee meetings that took place in Tampa, Orlando, or other sites more centrally-located than the state capital. Given that the majority of these Tallahassee meetings took place on the second level of the supreme court building, any relative newcomer to OSCA—suddenly aware of the unusual frequency with which throngs of formally-attired unfamiliars were making their way through the hallways—would certainly have reason to wonder what was going on—and why....

It stands to reason that developing and implementing policies and procedures for Florida’s 87 trial courts (67 county and 20 circuit courts) and six appellate courts (five district courts of appeal plus the supreme court)—and for the 983 judges and seven justices in Florida’s judicial branch—is a complex, challenging, and often lengthy process. The most efficient and equitable method for developing policies and procedures affecting the administration of justice—the method that gives fair representation and equal voice to each jurisdiction, whether large or small, urban or rural, wealthy or modest, trial court or appellate—is the committee system. Having a well-organized committee structure also allows the judicial branch to benefit fully from the diversity and the expertise of its judges and staff; moreover, it offers a practical way to foster two-way communication about court policies with justice system partners, the private sector, and the public. Over the years, the branch’s committee structure has enabled the courts to construct a policy development strategy that is collegial and founded on consensus-building.

Typically, these court-appointed committees receive their authority and charges through an administrative order of the chief justice, and they make their recommendations directly to the supreme court. To help the committees operate fluently, staff assistance is provided by OSCA; in 2001, for instance, over 3,100 OSCA staff days were needed to support the work of the various court committees.

By 2002, the committee structure had become quite complex: some committees had overlapping charges; some lacked a formal hierarchical structure; also needed was a better means of communication among the various committees; and the methods for preventing and resolving conflicts among committees needed improvement. So in 2002, OSCA recommended—and, after consulting with the chief judges and committee chairs, then Chief Justice Anstead approved—a systematic reconfiguration of the committee structure.

As a result of this new architecture, the committee structure is now more deliberately formulated, streamlined, and clear in its definition of the roles and responsibilities of each entity; further, each committee makes the best and most efficient use of the strengths and abilities of the judges, court personnel, and justice system partners who serve. Now, the committee structure consists of the following five categories: councils, commissions, division steering committees, work groups or task forces, and “other committees.” These five categories co-exist in a collaborative, nonhierarchical relationship, with each category having its own distinctive roles and functions.

Florida’s court system has only one council, the Judicial Management Council, which is responsible for addressing judicial administration and court operations issues that have statewide impact, affect multiple levels of the court system, or affect multiple constituencies in the court community (see following article). Due to the broad focus of its responsibilities, membership is extremely diverse and far-ranging. Because of the nature and the uniqueness of the Judicial Management Council’s functions, the category of “council” exists to designate this one advisory entity alone.

More circumscribed in focus, commissions address high-level policy issues ranging across the divisions and/or the levels of court. Membership in commissions consists...
primarily of judges and court staff. The court system currently has seven commissions, including the Trial Court and the DCA Budget Commissions and the Trial Court and the DCA Performance and Accountability Commissions.

More defined still are the responsibilities of the division steering committees, which reflect the interests of their respective court divisions. They design an ambitious vision of the ideal court division; recommend models, standards, and best practices to try to make that vision a reality; and conduct court improvement initiatives to improve case processing. Membership on division steering committees tends to reflect a broad compass of stakeholders. There are two division steering committees: the Steering Committee on Children and Families in the Court and the Criminal Court Steering Committee.

Appointed for a specific period of time to address a carefully-delimited issue or topical area are the work groups and task forces. These ad hoc work groups and task forces, of which there are currently seven, are charged with conducting studies, preparing reports, and taking other actions as directed by the chief justice. Membership tends to reflect the nature and needs of the particular project that the work group or task force has been assigned. Some examples are the Task Force on Treatment-Based Drug Courts, the Planning Task Force, the Task Force on Management of Cases Involving Complex Litigation, and the Committee on Privacy and Court Records.

Finally, the category of “other committees,” of which there are six altogether, comprises distinct entities mandated by court opinion, statute, or other requirements. While councils, commissions, division steering committees, and work groups/task forces are advisory in nature and recommend policy to the supreme court, that is not the case with “other committees,” which tend to be more regulatory in nature. Due to the parameters of their responsibilities, these “other committees” operate more independently of court oversight than do the other four categories. The Judicial Ethics Advisory Committee, the Court Interpreter Certification Board, the Mediation Ethics Advisory Board, and the Mediation Qualifications Board are examples of this category.

All of the court-appointed committees make indisputably important contributions toward the smooth administration of justice, and all deserve to have attention drawn to their responsibilities, goals, and accomplishments. However, the articles that follow in this section of the Full Court Press have arbitrarily limited their focus to some of the committees that have had the opportunity to have physical (rather than virtual) meetings in Tallahassee since 2007 began.

The Renewed Judicial Management Council: Responding to a Call for “Fresh Thoughts”

By 8:45 a.m. on January 22, a palpable mood of anticipation and excitement had already begun to percolate through the Florida Supreme Court’s reverberant Judicial Meeting Room. Fifteen minutes before the event was set to begin, almost every chair—those for the invited guests, which were arranged around the horseshoed tables, as well as those for the visitors, which lined the perimeter of the facility—had been claimed. From across the state, judges, court personnel, government and private attorneys, executive and legislative leaders past and present, business leaders, and association officers—along with Chief Justice Lewis, Justice Bell, Justice Quince, and OSCA staff—were filling the space. Circumnavigating the room like a gracious host, Chief Judge Joseph P. Farina, Eleventh Judicial Circuit, warmly greeted everyone who entered, reacquainting himself with familiars and introducing himself to newcomers. Undeniably, the first meeting of the recently-reauthorized Judicial Management Council (JMC) was generating the sense that something considerable was about to unfold.

Established in 1995 to offer recommendations and guidance to the chief justice and the supreme court on issues affecting the entire justice system, the JMC was responsible for “the comprehensive study and formulation of recommendations...
on issues related to the efficient and effective administration of justice that may have statewide impact, affect multiple levels of the court system, or affect multiple constituencies in the court and justice community” (Rules of Judicial Administration 2.225—formerly Rule 2.125). This advisory council was tasked with several consequential charges, among them, to guide the branch’s efforts to build public trust and confidence through improved performance and accountability and through establishing mechanisms for successful communication between the branch and the public; and to coordinate the development of the judicial branch’s long-range plans (revisited every six years) and its interim operational plans (reconceived every two years).

The JMC remained active until 2002, when the court system had to turn toward focusing single-mindedly on readying itself for the 2004 implementation of Revision 7. At that point, the JMC became dormant, but, last October, Chief Justice Lewis stated that “It is appropriate to reauthorize and renew the Council” and called for its reconstitution by administrative order (read order online). Although the renewed JMC has a slightly different role, membership, and focus than its former embodiment, like its predecessor, it is designed to “bring together the collective knowledge and experience of State Court System leadership with members of the public,” engendering a “collaborative approach” that will provide court system leaders “with a broad perspective on the myriad of administrative challenges facing the Florida courts.”

In keeping with that goal, the council has a wide-ranging membership: one supreme court justice, six judges (two DCA, two circuit, and two county court), one state attorney, one public defender, the attorney general’s designee, one clerk of court, two Florida Bar representatives (one of whom is a member of the Board of Governors), one member of the Florida Senate, four public members, and nine members at large. The council is chaired by Chief Judge Farina, who was, in fact, a member of the original JMC—as were three other current members: Judge Hubert J. Grimes, Seventh Judicial Circuit; State Attorney Bernie McCabe, Sixth Judicial Circuit; and former State Senate President Phillip D. Lewis. The council even has the benefit of some staff continuity: OSCA’s Strategic Planning Unit has staffed the JMC since its inception, and Steve Henley, senior court operations consultant, has been onboard since May 1997.

Given that this was the first meeting of the reconstituted JMC, much of the agenda was geared toward providing background information so that this richly heterogeneous set of individuals could begin the transformation process into a coherent and effective council. After welcoming remarks by Chief Judge Farina and Chief Justice Lewis, attendees were given some grounding in the state court system and the court committee structure, in The Florida Bar, and in the history and progress of the JMC. Following that was a helpful overview of a range of legislative, budget, and branch topics paneled by Lisa Goodner, State Courts Administrator, and the following committee chairs: Chief Judge Belvin Perry, Ninth Judicial Circuit (Trial Court Budget Commission), Chief Judge Carolyn K. Fulmer, Second DCA (DCA Budget Commission), Judge Alice Blackwell White, Ninth Judicial Circuit (Commission on Trial Court Performance and Accountability), Judge Martha Warner, Fourth DCA (Commission on DCA Performance and Accountability), Chief Judge Charles Francis, Second Judicial Circuit (Trial Court Technology Committee), and Chief Judge Manuel Menendez, Thirteenth Judicial Circuit (Florida Conference of Circuit Judges). Following the presentation of all this background material, Chief Judge Farina reviewed the administrative order and its six tasks.

Segueing into the final part of the agenda, Chief Justice Lewis sparked JMC members by saying, “We need ideas; we need fresh thoughts; we need spectrum,” thereby animating a capacious, far-reaching discussion during which members shared some very perceptive ideas and suggestions. For instance, former Governor Askew expressed his belief that, if the chief justice were to give a “state of the judicial branch” address to a joint session of the legislature each year—as was done in the past—the judiciary could go a long way toward enhancing inter-branch relations. Former Speaker of the House Allan Bense seconded this idea, adding that he thought it would be a great “tension-
reliever” that would reassure the public of the respect for all three branches and of the importance of the separation of powers. On another note, former Representative Dudley Goodlette (R-Naples) reminded everyone of how effective the judicial branch has been at speaking with one voice and urged fellow JMC members to continue supporting Lisa Goodner and her staff’s endeavors to speak to the legislature on behalf of the branch. And, toward the end, as the ruminations were becoming more specific, Justice Bell gently cautioned everyone to stay focused on their tasks: “Don’t lose sight of the macro view; stay away from the micro view,” he counseled.

On the whole, the meeting was a fruitful balance of exposition, discussion, and brainstorming, and Chief Judge Farina is very pleased with the group’s vitality and focus: “The JMC contains an abundance of insightful, intellectual firepower. Collectively, we intend to improve the branch’s long-range issues and operational outcomes. There is much to be done, and this group can get it done,” he pronounced.

Fairness and Diversity

In November 2004, then Chief Justice Pariente, by administrative order, established the Standing Committee on Fairness and Diversity, giving it four discrete charges. The committee’s overarching goals were to spearhead efforts to ensure fairness and equal treatment in the courts and to work toward the creation of a diverse court environment. Then in September 2006, Chief Justice Lewis revisited the focus of the standing committee, rejuvenating three of its original charges and adding two new ones (read current order online).

In the twenty-seven months since its inception, the committee, chaired by Judge Gill Freeman, Eleventh Judicial Circuit, has been strikingly active: it created an online court diversity information center; it researched and compiled a substantive report on methods for promoting the diversity of law clerks and staff attorneys; it compiled a bibliography of resources on diversity and fairness in the justice system to enable the courts to gauge the need for new or updated research; and it also initiated several other hefty projects.

Lately, the committee has been working diligently on the charges outlined in Chief Justice Lewis’ September administrative order, and its progress is already significant. For instance, the committee’s ad hoc Court Access Subcommittee—which is responsible for “provid[ing] input and advice on the judicial branch initiative to survey and re-assess access to the courts for persons with disabilities”—has met twice since November. Moreover, for its weighty outreach project on perceptions of fairness in Florida’s courts, the standing committee recently completed its extensive research phase (which included holding four public meetings across the state as well as surveying over 5,000 judges, court personnel, attorneys, jurors, litigants, and members of the public); the committee is currently preparing a comprehensive report on its findings. In addition, to increase the pool of qualified minorities applying for staff attorney and law clerk positions, the committee has been working with OSCA’s Information Systems Services to build a law clerk applicant database, which is almost ready to roll out. Finally, the chief judges of each circuit and DCA are in the process of creating diversity teams to help provide local, ongoing diversity and sensitivity awareness programs for judges and court personnel.

The following four articles elaborate on these recent projects of the Standing Committee on Fairness and Diversity.

The Court Access Subcommittee: Working to Make the Courts ADA Compliant

On January 16, the Court Access Subcommittee convened in Tallahassee to meet for the second time. Since the subcommittee had its orientation meeting in November, members were already familiar with each other, with their charge, and with the scope and challenges of their commitment and could therefore move swiftly to the crux of their agenda.
After Nick Sudzina, Trial Court Administrator for the Tenth Judicial Circuit and subcommittee chair, welcomed everyone, the meeting began with some discussion about the ADA training session and tabletop exercise that several subcommittee members facilitated for the trial court administrators’ January education program. The subcommittee members who put together and guided the session—Mr. Sudzina, Debbie Howells, and Steve Howells—were very encouraged by the trial court administrators’ cogent questions, positive attitudes, and acknowledgement that ADA compliance in the courts is long overdue. The administrators’ biggest concerns are with funding and finding resources, Ms. Howells declared—a statement that provoked a lively discussion among subcommittee members about some simple, cost-free or inexpensive things that could be done—or policies and procedures that could be implemented—immediately that would minimize the barriers for those with disabilities. For instance, “Resources often aren’t maximized,” one subcommittee member maintained; “If ADA courtrooms are present, they should be used if there’s a disability lawsuit; it’s common sense to prioritize scheduling in the ADA courtroom,” she said, noting that such prioritizing is often not done.

After this presentation, the subcommittee was divided into four workgroups, and each met individually to zero in on its particular project (the four workgroup areas are surveys, training, implementation, and intergovernmental relations). A few hours later, subcommittee members came back together as a whole to give workgroup reports and get feedback.

Everyone in that room recognized that making court access a reality is a daunting—and, at times, a frustrating—experience, but no doubt all were heartened by the words of Judge Gill Freeman, chair of the Standing Committee on Fairness and Diversity, who, after thanking members for their commitment, assured them that “The process itself has impact; it will make ‘the powers that be’ aware of the problems, and they will start doing things to address these problems.” In fact, she predicted, “Changes will happen even before the report is written!”

In closing, Nick Sudzina proclaimed that the subcommittee accomplished a lot in the two meetings it held, but he cautioned that “This is only the beginning. Florida’s trial and appellate court leaders must recognize the need to evaluate the policies in place and truly determine what their individual courts need to do to enhance structure and program accessibility for all citizens.”

This discussion segued fluidly into a presentation by subcommittee member Dan Holder, ADA coordinator for Miami-Dade County, who came prepared to give an overview of the lessons he’s learned from working with Miami-Dade to address ADA compliance issues. Mr. Holder, who’s been dealing with accessibility concerns for 35 years, averred that access alone—not without the necessary policies and procedures in place—is insufficient. But he also emphasized that ensuring court accessibility will be costly and will take time; “Parking, bathrooms (for the judges, jury, and public), spectator areas, jury areas—all will have to be accessible to make court programs accessible,” he stressed, for “Courts are not accessible unless all supporting services are accessible.” He also asserted that ADA coordinators will need to be appropriately positioned in the administrative hierarchy—preferably, reporting directly to court administrators—to prevent their recommendations from being “buried beneath layers of bureaucracy.” In addition, Mr. Holder offered some invaluable advice about the sorts of issues that an ADA survey instrument should address—and since one of the first tasks of the subcommittee is to come up with an effective survey instrument that the courts can use to evaluate themselves, his suggestions were extremely timely.

Perceptions of Fairness in Florida’s Courts

After conducting significant research statewide, the Standing Committee on Fairness and Diversity is nearing the final stages of its outreach project on perceptions of disparate treatment in Florida's courts. In conducting its outreach, the committee formally surveyed over 5,000 Florida judges, court personnel, attorneys, jurors, litigants, and members of the public last spring about their perceptions of fairness in the state court system. In addition, in just over the course of a year, the committee held four public meetings in four different regions of the state in order to generate an extensive cross-section of responses from as many individuals and organizations as possible; the meetings took place in Miami, Tallahassee, Orlando, and, most recently (on February 2), Jacksonville.

As was reported in the Winter 2006 Full Court Press, the Miami public meeting, coinciding with the midyear meeting of The Florida Bar, drew speakers primarily from the legal profession; the Tallahassee meeting largely attracted speakers from state agencies, not-for-profits, and other
government-associated entities; and the Orlando meeting brought together the greatest percentage of public court users, especially ones who had been self-represented litigants. At the fourth and final meeting, which was in Jacksonville, a wide-ranging speaker base converged, with speakers focusing on race; gender—especially issues associated with domestic violence; socioeconomic concerns; children’s issues; and various disabilities (e.g., speakers who communicated on behalf of people who are deaf/hard of hearing or who have vision impairments or mental illness).

According to several of the OSCA staff members, this meeting seemed to generate more specific information about a broader variety of topics than the other three meetings. For example, a number of speakers expressed dismay about county court proceedings, especially small claims and misdemeanor proceedings, articulating concerns about defendants being “railroaded” through the process without being heard, without anyone checking the “facts” that the plaintiffs presented, or without their being allowed to meet with an attorney before entering a plea agreement. Those who represented themselves in court plangently conveyed their feeling that it’s not a fair fight for those who don’t have an attorney. Others communicated their concerns about child defendants in court: about their not receiving adequate—or any—legal representation; about their being taken to the courtroom in shackles for expediency—regardless of whether they pose any danger to others or themselves; about the ways in which young minorities get caught up in the “machinery” of the justice system. Another speaker, the director of a batterers intervention program, offered statistics suggesting that prominent and wealthy defendants find ways to avoid these programs, while a disproportionate number of minorities and low income defendants end up in them; since these programs improve the likelihood of victim safety, those who manage to opt out of them lack the opportunity to benefit, thereby increasing the risk to domestic violence victims.

One especially poignant anecdote was articulated by an attorney who is blind and uses assistive technology to access materials when he represents his clients in the courtroom. Recently, the attorney requested in advance an opportunity to enter the courtroom before the beginning of a hearing in order to set up his assistive technology and to familiarize himself with the layout of the room. When he arrived at the courthouse, he was refused access to the courtroom until opposing counsel arrived. However, by the time opposing counsel appeared, it was time for the hearing to begin. The judge refused to allow the attorney the few minutes he needed to set up his equipment and to orient himself to the room. Despite the weight of the concerns voiced above, on the positive side, several speakers expressed their belief that the courts have taken significant steps to eliminate bias. But speakers also pointed out that improvements still need to be made—and they noted that the courts could embrace many common-sense strategies that would noticeably advance the public’s perception of justice. For instance, rather than scheduling juvenile cases for the morning, they suggested scheduling them for the afternoon so that the kids wouldn’t have to miss school; and they recommended staggering the schedule for motion calendar and first appearance rather than requiring everyone to arrive at the same time, which creates parking problems, breeds frustration, and causes people to feel as if their time isn’t valuable. Common-sense practices like these could obviate court users’ disgruntlement and ill will and could go a long way toward improving people’s perception that the court system is just.

The committee clearly embraces the value—both to the courts and to court users—of this process of holding public meetings and of offering people a venue where they can give voice to their concerns and know that they are being taken seriously. In addition, committee members and staff have spoken very enthusiastically about the worth of the information they have received from these meetings. As a result, several members have suggested that the committee continue to schedule these meetings periodically, thereby ensuring that the branch remain sensitive and responsive to people’s perceptions of fairness in Florida’s courts.

Increasing the Diversity of Judicial Law Clerks

Among other charges, the Standing Committee on Fairness and Diversity was tasked with designing a program to advance and encourage the diversity of judicial staff attorneys and judicial law clerks in Florida’s courts and to create a blueprint for implementing this program. In December
2005, after analyzing data gathered from the state’s eight law schools, current law clerks and staff attorneys, members of the judiciary, and other related entities, the committee authored its report and recommendations: *Promoting and Ensuring the Diversity of Judicial Staff Attorneys and Law Clerks Within the Florida State Courts System* (read report online). After itemizing the issues that have inhibited diversity in the applicant pool, the report details three strategies for achieving its goal of diversity: “increasing the number of minority applicants through enhanced outreach methods; promoting the status of the clerkship position by projecting a positive image of judicial clerks; and improving the overall recruitment and hiring process by making it more user-friendly and less arduous.” Two of these strategies are on the cusp of being implemented, now that the programming for a law clerk applicant database is in the final stages.

The law clerk applicant database—which promises to be a significant minority outreach tool that will also facilitate the recruitment and hiring process—readily enables an applicant to submit his/her resume (as a Word document or a PDF) to a central, highly secure, online repository that is accessible to all judges in the state court system. After the fuss-free process of registering and setting up a password, applicants can store and revisit their resumes in the database—and can update this information at any time. Applicants can also identify the regions in which they would prefer to work: they can limit their search to one, or several, regions, or they can click on “statewide” to indicate that they are willing to relocate to any part of Florida for the right job.

The system is extremely easy to navigate, and applicants will find it trouble free to submit or to replace their resumes—and the system is equally straightforward for judges seeking access to those resumes. Judges who are looking to hire law clerks or staff attorneys can log in and identify the region in which they are seeking applicants; immediately, the names and resumes of the applicants who seek employment in that region become available. Each applicant’s email address is conspicuously displayed as a link, so when a judge wishes to make contact with an applicant, the judge can email that job seeker instantly, requesting that he/she submit an application or take other appropriate procedural steps in the application process.

Once the applicant database is up, locating it will be elementary: applicants will find it prominently displayed on the Florida State Courts webpage, where it will have a fixed and predictable “home.” Moreover, the database will be well-publicized to potential applicants nationwide, and attorneys associated with minority lawyer networks and graduates from law schools with sizable minority populations will be especially encouraged to submit their resumes. The goal behind the creation of the law clerk applicant database is obvious: to increase the pool of qualified applicants—and, in particular, the pool of qualified minority applicants.

The committee’s next step will be to market the value of the judicial clerkship—as a vehicle for acquiring knowledge about the court process; for developing legal judgment, reasoning, and analysis; for improving legal writing abilities; and for enhancing the understanding of case law, statutes, and the legal process. The hope is that once the benefits of a clerkship are more widely acclaimed, then more young lawyers, especially minority lawyers, will pursue the chance to acquire the skills and experience that a clerkship offers.

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**Implementing Diversity and Sensitivity Awareness Education Programs**

In Chief Justice Lewis’ administrative order, the Standing Committee on Fairness and Diversity is directed to develop local court diversity and sensitivity awareness programs in conjunction with the Florida Court Education Council, OSCA, and the trial and appellate courts. The committee is enjoined to identify the elements of effective diversity training, including the most capable delivery mechanisms, and, by this spring, the training should begin; by no later than December of this year, each trial and appellate court should have had at least one training session.

In keeping with this directive, committee members have been working assiduously over the last several months to devise a vehicle for offering, at the local level, ongoing diversity training for the judicial branch—both for judges as well as for all state-funded employees. Although some of the details are still being fleshed out, as a first step, the committee is recommending that a diversity team be
established at every DCA and circuit. By mid-April, each chief judge will designate the members of his/her team, comprising a judge and a staff member, who will serve as the diversity liaisons for that jurisdiction.

The judges serving as the diversity liaisons—as well as any other judges who would enjoy or benefit from the experience—will be encouraged to register for a two-day diversity course at the College of Advanced Judicial Studies, scheduled for May 24-25. Called “Dealing with Difference: Understanding the Experiences of Litigants Before You,” the course will be taught by Judge Gill S. Freeman, Eleventh Judicial Circuit; Judge Sandy Karlan, Eleventh Judicial Circuit; Judge Fred Seraphin, Miami-Dade County; and Wilhelmina Tribble, of Lowe Tribble & Associates. Among the course’s many benefits, it will help prepare participants to become involved in the diversity training initiative when they return to their courts. (The closing date to register for this course is March 20—an extension of the college’s registration period for this one course only.)

“Dealing with Difference” has several substantial learning objectives: participants will learn how to recognize, and will discuss the importance of understanding, the impact on the courtroom of people from different economic backgrounds, cultures, and communities—and they will also learn how their understanding of those different practices, lifestyles, and beliefs aids in fair decision-making; participants will also learn how to identify their own biases and develop strategies to prevent those biases from influencing the fairness of their decision-making; finally, they will review and discuss ways to communicate the importance of diversity education to other judges.

Chief Justice Lewis is emphatically committed to making sure that judges and court staff are well-prepared to serve an increasingly heterogeneous population. With the support and guidance of the local diversity teams, the chief justice’s vision is sure to be realized.

Clearly, technological advances have insinuated themselves into everyday postmodern life with breathtaking rapidity, and Florida’s courts have endeavored to seek out those innovations that show the potential to improve the efficiency, effectiveness, and celerity of processes essential to the management of court-related information. Recognizing the wisdom and necessity of staying on top of the burgeoning intricacy of technological progress, the supreme court established the Florida Courts Technology Commission—formerly, the Court Technology User’s Committee—by administrative order in 1995 to advise it about subjects associated with the use of technology in the judicial branch. It is no surprise that this commission’s jurisdictions and responsibilities continue to multiply and morph over time.

Working under the umbrella of the Florida Courts Technology Commission (FCTC) are the Appellate Court Technology Committee, the Trial Court Technology Committee, and the Electronic Filing Committee; all report to, and work through, the FCTC, and, in fact, all committees making technology recommendations or presenting policy opinions to the supreme court must go through the FCTC; this process assures that the various technology-related committees and workgroups communicate with one another and arrive at recommendations consensually, enabling them to speak with a single voice.

On June 30, 2006, the day when the gavel passed from Chief Justice Pariente to Chief Justice Lewis, the two chiefs jointly signed an administrative order that gave the FCTC four additional and very specific charges regarding the implementation of Privacy, Access, and Court Records: Report and Recommendations of the Committee on Privacy.
and Court Records (read order online). In order to tackle these charges constructively, the chair of the FCTC, Chief Judge Charles A. Francis, Second Judicial Circuit, created the FCTC Implementation Workgroup, which he conceived as a discussion group focusing on court policy regarding the electronic release of court records. Guided by Chief Judge Francis, the group, which had its first meeting on January 24, convened to deal with the following practical issue: can we totally eliminate paper from the courts, and, if so, who will pay for it and how?

The workgroup had a densely-packed agenda. Chief Judge Francis began with an overview of the technology governance structure and then introduced John Cook, OSCA’s information systems support manager, who gave a PowerPoint presentation on the status and direction of electronic filing in the courts (currently, 13 counties have been authorized to proceed with their e-filing initiatives). Mr. Cook also addressed the development of operational policies for a statewide e-filing portal as well as the portal concept proposed by the court clerks; he emphasized the need for a statewide, uniform e-filing interface so that the different county systems will all meet the current standards and will be able to communicate with one another, regardless of the technologies they use. Chief Judge Francis emphasized the significance of the collaboration among the courts, the clerks, and the Florida Association of County Clerks and Comptrollers in this initiative.

Next, Judge Elijah Smiley, Bay County, who is also a member of the Committee on Public Access to Court Records, gave a presentation on the current status of that committee’s work, and members also discussed the Manatee County clerk of court’s one-year pilot project on electronic access to court records. In the last stage of the meeting, members formed three sub-workgroups, which will focus on the issues of user access fees, software redaction practices and confidentiality, and the roles and responsibilities of commercial data aggregators. The sub-workgroups anticipate holding their initial meetings in March to continue working through the complexities and clarification of these issues and to report their findings to the full FCTC Implementation Workgroup.

The Court Interpreter Certification Board: Creating a Pool of Qualified Foreign Language Interpreters

Although Florida’s court system has never had an official court interpreter certification program, for the last nine years, it has had a rigorous training and testing program, overseen by the Court Interpreter Advisory Board. However, in the absence of statutory authority to certify and regulate foreign language court interpreters, this training and testing program has been purely voluntary.

So, last spring, when the Florida legislature authorized the supreme court to “establish minimum standards and procedures for qualifications, certification, professional conduct, discipline, and training” of court-appointed foreign language court interpreters, the supreme court vigorously welcomed this opportunity to design a definitive, regulative set of principles and requirements for court interpreting. In September 2006, by administrative order, Chief Justice Lewis appointed the members of the Court Interpreter Certification Board, whose function is to determine the qualifications necessary for certification; to certify, regulate, discipline, suspend, and revoke the certification of court interpreters; to adopt rules governing its operating procedures; and to make recommendations to the supreme court about the amendment of these rules (read order online). Prepared for an enterprising agenda, the board met for the first time on January 26.

Chaired by Judge Cristina Pereyra-Shuminer (Eleventh Judicial Circuit), the ten-member board includes county court and circuit judges, trial court administrators, and federally-certified interpreters, with Justice Wells as the supreme court liaison. Since the courts have had the benefit of a formal training and testing process for nine years, this orientation meeting was dedicated largely to discussing and evaluating the policies and practices that have evolved over the course of that time span and then determining whether to adopt or modify them. As Judge Pereyra-Shuminer said in her opening remarks, “Today, we’re called upon to formalize the procedures that have been in place.
Because their work will ensure that those with limited English proficiency have meaningful access to justice, board members are acutely heedful of the significance of the tasks they have been asked to perform. The board also formed three committees: one to address the disciplining of certified interpreters; one to establish requirements for continuing education; and one to assist staff in planning and carrying out various program operations that do not require input from the full board.

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Although she recognizes the ambitiousness of the challenge, Judge Pereyra-Shuminer aims, by the end of 2007, to complete the first phase of the board’s charges—which is to implement the process through which those who meet the required conditions established by the supreme court may become certified and duly qualified interpreters.

Embodying the marriage of these two committees, the Steering Committee on Families and Children in the Courts was established by former Chief Justice Anstead in 2002. According to the administrative order announcing the mergence, the two were combined to make the most efficient use of the members’ expertise and to create a committee that, on a statewide level, would mirror the focus and compass of UFC (i.e., unified family court as an umbrella under which all family case dockets fall). The administrative order was renewed both in 2004, by then...
Chief Justice Pariente, and again in 2006, by Chief Justice Lewis, and, in each case, the committee’s responsibilities were modified somewhat, reflecting both the inescapable need to adjust objectives over time as well as the particular concerns of each chief.

The committee is now chaired by Judge Nikki Ann Clark, Second Judicial Circuit, and Justice Pariente is its supreme court liaison; the newly-reconfigured steering committee met for the first time at the end of October. Among other decisions, it established seven subcommittees, one for each of the seven charges outlined in the August 2006 administrative order. On January 29-30 in Tallahassee, six of these seven subcommittees—plus the full steering committee—got together: on the first day, the subcommittees convened, and on the second day, the full steering committee met.

Because several new members had recently been added to the steering committee, Judge Clark wanted to make sure that everyone had a chance to introduce him or herself. Two people were welcomed with particular enthusiasm: one was guest Walt McNeil, former chief of the Tallahassee Police Department, who was named secretary of the Department of Juvenile Justice by Governor Crist in January; the other was new member Bob Butterworth, former attorney general, sheriff, judge, and mayor, who was named secretary of the Department of Children and Families by Governor Crist in December.

The half-day meeting had two components. The first was an overview of a November 2006 senate interim project report called the “Implementation of the Unified Family Court Model,” whose purpose is to furnish the legislature with a panorama of the circuits’ progress in implementing unified family court elements. OSCA’s Rose Patterson, chief of the Office of Court Improvement, summarized the report’s methodology, its findings, and its recommendations, of which there were three. The first focused on technology and advocated that the legislature “identify opportunities to assist in efforts to create a fully integrated statewide system that not only coordinates cases but also facilitates case tracking, calendaring of events, sending notices, generating orders, and other court-related tasks.” The second targeted funding and suggested that the legislature “work in concert with the courts and agencies to identify specific needs as part of the annual budget process.” And the third, addressing “a disconnect in the intake and referral process since intake was transferred to the clerk’s office,” recommended that statutory revision might mitigate this “disconnect” experienced by litigants who are representing themselves in family law matters.

The second half of the meeting was dedicated to reviewing the advances made by the six subcommittees that had convened the day before. Judge Herbert Baumann, Thirteenth Judicial Circuit, talked about dependent and delinquent youth “aging out” of the foster care system; Judge Steven Leifman, Miami-Dade County, about working with litigants with mental illness; Judge Marci Goodman, First Judicial Circuit, about addressing privacy issues in conjunction with family law cases; Judge Robert Evans, Ninth Judicial Circuit, about developing a standardized child support order for use by the Department of Revenue; Judge David Gooding, Fourth Judicial Circuit, about collecting meaningful data for the management of civil domestic violence cases; and Judge Sandra Sue Robbins, Fifth Judicial Circuit, about recommending rules changes that would enhance the operation of the unified family court.

Although the two days in Tallahassee were undeniably productive, the committee and its wide-ranging subcommittees clearly still have much to accomplish. Thus the subcommittees will be meeting again in person or telephonically within the next few months, and they, as well as the full steering committee, are scheduled to gather together in mid-June.
Miami-Dade County was home to the world’s first drug court, which was conceptualized in 1989 by Judge Herbert Klein, Eleventh Judicial Circuit. The drug court concept quickly germinated, and the number of drug courts began to rise across the state. So, in 1998, the supreme court, seeking recommendations on the legal, policy, and procedural issues that treatment-based drug courts encounter—and pursuing guidance about the extent to which the drug court concept could provide a practical and deep-rooted solution to the pernicious effects of substance abuse on our society—established its first Treatment-Based Drug Court Steering Committee. Four years later, the committee was reconstituted and renamed, and it has been called the Task Force on Treatment-Based Drug Courts ever since. Given its goal of reducing substance abuse in Florida, the task force currently involves the partnering of twenty-one drug court stakeholders from the judicial and executive branches and from non-governmental bodies. Over its nine-year history, the task force’s purpose has remained constant, but its duties have continued to change in response to new challenges.

The task force, which had its first meeting of the 2006-2008 term in November, met for the second time on February 9 to begin scrutinizing and addressing two of its four new charges: 1) to consider and make recommendations about the appropriate scope of confidentiality in drug court cases; and 2) to develop a proposal on substance abuse issues and the application of problem-solving court methods to address those issues for drug court team members and other justice system personnel.

For the first half of the meeting, task force members were given some extensive background information to help them prepare to tackle the two charges. To address the suitable scope of confidentiality in drug court cases, OSCA’s Steve Henley, senior court operations consultant with the Strategic Planning Unit, was invited to provide an overview of the public records/privacy quandary in relation to court records. He reminded everyone that court records used to be protected by “practical obscurity”—meaning that, as a practical matter, documents, though factually accessible, weren’t readily accessible because a seeker had to go down to the clerk’s office, identify specifically what was wanted, hope that the document had been filed properly, and wait until it was excavated. With immediate Internet accessibility of many court records, one no longer has a long, inconvenient, perhaps futile wait at the clerk’s office—and the implications are enormous, especially as the judicial system moves closer toward the “paperless court.” Caught between the guarantee of access and the right of privacy, courts are in a monumentally difficult position with regard to all court records.

To elicit recommendations about the appropriate orbit of confidentiality regarding documents filed in drug court cases, the supreme court has directed the task force to evaluate the court rules, Florida statutes, federal law, and local drug court policies that have bearing on these cases. Mr. Henley’s presentation led to an exceptionally animated discussion about what should be included or excluded from the files of drug court defendants—especially those documents that reflect mental health issues and medical treatment—and judges shared some of the more helpful practices that their courts have devised to address the situation.

After this dynamic exchange, OSCA’s Martha Martin, chief of Court Education, talked about the history and structure of judicial education in Florida to provide some grounding for the second charge that the task force would be addressing that day regarding continuing education for drug court team members and other justice system personnel. After identifying some of the drug court-related topics they would like to see covered in Florida’s judicial education programs, members discussed which programs would offer the best opportunities for presenting this information to judges, expressing strong agreement for making it a component of the Florida Judicial College—the education program in which new judges participate during their first year on the bench.
Members reasoned that, because the key components of the drug court model are being utilized in other court divisions (e.g., mental health), the Florida Judicial College would offer judges the best opportunity to learn about drug court issues. Ms Martin, noting that judges are the final arbiters of what gets taught at the various educational programs, encouraged task force members to bring their suggestions before the deans, faculty, and judges who make the decisions.

For the second half of the meeting, task force members divided into two workgroups—a confidentiality workgroup, assisted by Steve Henley, and a training workgroup, assisted by Martha Martin—to begin teasing out the complexities and ramifications of each charge. With much still to accomplish, members won’t be waiting too long to meet again: the drug court task force has already set its next meeting for April 25 in Orlando, which is the day before the 2007 Florida Drug Court Training Conference, also in Orlando, begins.

A total of 237 county court judges (223 active judges and 14 senior judges) participated in the judicial program, which opened with a legislative update. Heading up this session was State Courts Administrator Lisa Goodner with an enumeration of some of the court system’s 2006 legislative successes: the legislature authorized the creation of 55 new judgeships, designated funding for 36 additional law clerks, and approved the benchmarking of judicial pay. This year, she emphasized, Chief Justice Lewis’ highest funding priority is equity in pay and classification for court employees. She concluded by conveying the urgency with which he wants all courts to address concerns about ADA standards and compliance, emergency preparedness (especially flu pandemic readiness), and litigants with mental illness.

The next speaker was Senator Lisa Carlton (R-Sarasota), president pro tem for the 2006-08 term and chair of the Fiscal Policy Council. Although she prognosticated that the state would soon suffer a significant drop in revenues, she did stress that the “whole-branch approach”—the judiciary’s commitment to “coming together with a common voice”—has been extremely compelling and successful and should be continued: “That type of advocacy is rare in state government,” she noted, “so it’s very effective, persuasive, and powerful” from the legislators’ perspective, she disclosed to the judges.

The comprehensive education program that followed had many highlights, among them, sessions on “Dealing with Differences,” “Domestic Violence,” “Emerging Issues in Evidence,” “Immigration Issues in County Court,” “Privacy and Court Records,” and an ethics presentation by former Chief Justice Major Harding and Judge Jeff Colbath, Fifteenth Judicial Circuit and current dean of the College of Advanced Judicial Studies. For a portion of the two-day program, judges selected between two tracks, civil and criminal, but, most of the time, all 237 judges were learning, thinking, and studying together in

**Education and Outreach**

**Shared Venue: County Court Judges & Trial Court Administrators Converge for Their Education Programs**

Typically, Florida’s 20 trial court administrators (TCAs) have two education programs yearly: one coincides with the College of Advanced Judicial Studies, and one co-occurs with the circuit judges’ education program. In addition, every other year, the TCAs have a program with the chief judges. Meanwhile, the state’s 322 county court judges have two annual program opportunities, which they normally do on their own. However, this year, for the first time, the education programs of the TCAs and the Florida Conference of County Court Judges were held in concert. Amelia Island was the site of this full, two-day event in early January.
one rather deep-set room. One might think that it would be nearly impossible to educate engagingly such a large gathering in a single, cavernous space, but that would be a mistaken assumption with this group: despite the seeming unwieldiness of the student body, sessions were remarkably interactive and lively, peppered with good questions and the sharing of best practices.

Meanwhile, down the hall, 13 TCAs and 45 TCA staff participated in an animated and well-textured educational program of their own. Most of the sessions were designed to encourage participants to broaden their exposure to, to probe, and to experience vicariously various approaches to managing and leading their courts and court personnel (sessions were on topics such as “Compassionate Leadership,” “Succession Planning: Designing the Future,” and “More Than a Manager”). In addition, they had an in-depth session on the ADA, focusing on the scope and process of the chief justice’s court accessibility initiative, the state and federal facility requirements, and the ADA technology requirements. After ingesting all this background material, TCAs and their staff participated in a well-constructed table top exercise that was designed to get each circuit thinking concretely about who should be included in its court’s Court Accessibility Team and what resources the team will need to perform accurate surveys of its court facilities and to develop updated transition plans.

Despite the different focuses and audiences of these disparate education programs, observers who had the benefit of attending both couldn’t fail to notice a shared theme: assorted variations on the injunction to “Do the right thing” surfaced with conspicuous frequency over the course of the two days. For instance, in “Dealing with Differences,” Judge Gill Freeman, Eleventh Judicial Circuit, and Judge Morris Silberman, Second DCA, emphasized the need for judges to be sensitive to their own prejudices, assumptions, biases, and expectations so as to treat all people fairly, with dignity and respect; in his ethics presentation, Major Harding began by pressing listeners with the question, “How did you know if you made a right decision?”; Brian Blasko, in his TCA session called “More than a Manager,” defined “integrity” as “doing the right thing even when no one’s watching”; and TCA Nick Sudzina, chair of the Court Access Subcommittee, and Debbie Howells, OSCA’s statewide ADA coordinator, in their ADA presentation, repeatedly urged listeners to make their court buildings—and their court websites—ADA compliant, which “will benefit nearly everyone, not just people with disabilities.” Thus, even though the two education programs were entirely separate and distinct, anyone who ventured back and forth between them couldn’t fail to remark that, in resonating with a very compelling, common subtext, they really were united in vision and mission.

The Florida Judicial College: A Record Number of New Judges Attend Phase I

The 2007 Florida Judicial College Phase I in Orlando, January 7-12, was marked by the largest group of new judges in Florida court system history. Of the 110 total new judges who participated, 84 were elected and 26 were appointed. A majority of the elected judges are now filling newly created seats that resulted from the 2006 Florida Legislature’s response to the court’s judicial certification process, ensuring that an adequate number of judges provide fair and expedient justice to all Florida litigants.

Although required to take judicial education courses only since 1988, Florida judges have had the option to do so since the early 1970s. New judges in Florida participate in a mandatory two-phase program. The recently completed Phase I consisted of three components—an orientation, a trial skills workshop, and, finally, and perhaps most pressure-packed from the standpoint of the new judges, a 20-minute videotaped simulated trial proceeding. Completion of this program leads to Phase II, with a concentration on various areas of substantive law, in the spring.
consider both petitioner and respondent positions, making a judgment that is fair to both parties.”

In the orientation portion of the college, the judges learned about (among other topics) judicial philosophies, the art of judging (developing a judicial style), judicial immunity and liability, juvenile detention, fairness issues, search warrants, and first appearances.

The trial skills workshop gave judges an opportunity to solve common courtroom problems and to conduct simulated trial proceedings. Members of the faculty role-played the prosecutor, public defender, bailiff, two-person jury, and witness in mock-court settings where new judges were invited to sit on the bench (hot seat!) for 20 minutes. In each setting, faculty members dramatized hypothetical courtroom situations to analyze how the judge would react. After each session, the new judge was interviewed to discuss his or her perception of the session. In turn, each new judge faced a critique during which the faculty brought both pros and cons to the attention of the participant.

With Phase I completed, new judges ready themselves for Phase II in March. This program delves deeper into some of the topics cited above, focusing heavily on substantive legal issues as well as how judges interact with and relate to the media. (Phillip Pollock contributed to this article)
Awards and Honors

Justice Peggy Quince was selected by Governor Charlie Crist for induction into the Florida Women’s Hall of Fame. Created by statute, the Florida Women’s Hall of Fame honors women who, through their efforts and achievements, have contributed significantly to improvements in the lives of women and of all Floridians.

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According to statistics cited in a recent Florida Bar News article ("Falling into the ‘Poverty Gap,’” by Jan Pudlow, February 1, 2007), approximately 70% of low-income Floridians are unable to receive help for their civil legal needs. Among those who seek assistance from legal aid services, for every person whose case is accepted, legal aid must turn another person away due to a paucity of funding and/or legal staff; others are declined because they make too much money to qualify (based on the federal poverty guidelines, “too much” translates into the following: a single person can make no more than $9,800/year, and a family of four can make no more than $20,000/year). For people in the general population, there is approximately one attorney offering civil legal help for every 525 people; on the other hand, for the indigent, there is only one legal services attorney for every 6,861 people.

On January 25, 2007, at the annual Pro Bono Service Awards ceremony at the Florida Supreme Court, the following attorneys were honored for their exemplary commitment to meeting the legal needs of the poor, the disadvantaged, and the most vulnerable; these award-recipients were celebrated for their efforts to make equal access to justice a reality for all.

* Talbot “Sandy” D’Alemberte was honored with the Tobias Simon Pro Bono Service Award;

* Judge Lauren L. Brodie, Twentieth Judicial Circuit, was presented with the Distinguished Judicial Service Award;

* The law firms of Hogan & Hartson LLP and of Messer & Messer were presented with the Law Firm Commendation;

* The Bankruptcy Bar Association for the Southern District of Florida was presented with the Voluntary Bar Association Pro Bono Service Award;

* Mac Richard McCoy was presented with the Young Lawyers Division Pro Bono Service Award.
In addition, the following attorneys were recipients of The Florida Bar President’s Pro Bono Service Award:

A. Richard Troell, III (First Circuit), Walter E. Forehand (Second Circuit), Nancy C. Holliday-Fields (Third Circuit), Thomas Murray Jenks (Fourth Circuit), Rollin E. Tomberlin (Fifth Circuit), William L. Penrose (Sixth Circuit), Philip Henry Elliott, Jr. (Seventh Circuit), Frank E. Maloney, Jr. (Eighth Circuit), Susan V. Stucker (Ninth Circuit), Kelly B. Hardwick, III (Tenth Circuit), Lawrence D. Silverman (Eleventh Circuit), Neil W. Scott (Twelfth Circuit), Sylvia H. Walbolt (Thirteenth Circuit), Michael R. Reiter (Fourteenth Circuit), Elisha D. Roy (Fifteenth Circuit), Robert Cintron, Jr. (Sixteenth Circuit), Marian A. Lindquist (Seventeenth Circuit), Deborah M. Smith (Eighteenth Circuit), Margaret M. Anderson (Nineteenth Circuit), Rita C. Chansen (Twentieth Circuit), and Wendy P. Fischman (Out-of-State Division).

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In Memoriam

Retired Judge Harvey Baxter served on the bench in Miami-Dade County (1978-1996).

Retired Judge J. Clifford Cheatwood served on the bench in Hillsborough County (appointed in 1977) and in the Thirteenth Judicial Circuit (retired in 1991).

When judges and court personnel receive awards or honors for their professional contributions to the branch, please send the information to schwartzb@flcourts.org
### April 2007
- **20** Standing Committee on Fairness & Diversity, Miami, FL
- **21** Advanced Mediation Training, Inverness, FL
- **22-26** Justice Teaching Institute, Tallahassee, FL
- **25** Drug Court Coordinators Meeting, Orlando, FL
- **25** Supreme Court Task Force on Treatment-Based Drug Courts, Orlando, FL
- **26-27** Florida Drug Court Conference, Orlando, FL

### May 2007
- **4** Florida Legislature adjourns
- **10-11** Court Interpreter Oral Language Exams, Tampa, FL
- **11-12** Law Week Celebration
- **14** Committee on Access to Court Records, location TBD
- **18** Florida Supreme Court Committee on ADR Rules & Policy Meeting, Orlando, FL
- **21-25** Florida College of Advanced Judicial Studies, Ft. Myers, FL
- **24-25** Chief Judges and Trial Court Administrators Education Program, Ft. Myers, FL

### June 2007
- **1** Judicial Management Council, Tallahassee, FL
- **4-5** Court Interpreter Orientation Workshop, Ft. Lauderdale, FL
- **6** Court Interpreter Written Exam, Ft. Lauderdale, FL
- **8** Practice Before the Florida Supreme Court Seminar, Tallahassee, FL
- **11-13** Florida Conference of Circuit Judges, Annual Business Program, Marco Island, FL
- **18-19** Steering Committee on Families & Children in the Court, Tallahassee, FL
- **22** Third DCA Fiftieth Anniversary, Miami, FL
- **27** Judicial Ethics Advisory Committee, Orlando, FL
- **27-30** Florida Bar Annual Meeting, Orlando, FL

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Under the direction of

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